THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.11366 of 2007

Between:

Smt.Swathi and another.

..
PETITIONERS

and

The Superintendent of Police,
Anantapur and others.

..
RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.11366 of 2007

ORDER:

Heard the learned counsel appearing for the petitioners as well as the learned Government Pleader appearing for respondents 1 to 4. Both the petitioners are present before this Court.

It is the case of the petitioners that both the petitioners are majors and they know each other for the last eight years and that they fell in love. Though the petitioners belong to different caste, they got married voluntarily on 07-04-2007 at Arya Samaj, Sultan Bazar, Hyderabad. In fact, the parents of the 1st petitioner have not accepted the said marriage. At the instance of the father of the 1st petitioner, who is working as a Police Constable at II Town Police Station, Anantapur, the complaint was got filed through the mother of the 1st petitioner, who is impleaded as the 5th respondent, before the Additional Judicial First Class Magistrate, Anantapur, which was forwarded to the Station House Officer, II Town Police Station, Anantapur, for investigation and report. Accordingly, the Station House Officer, II Town Police Station, Anantapur, registered a case in Cr.No.82 of 2007 on 18-04-2007 against the 2nd petitioner, his parents and relatives. It is stated that the complaint filed by the mother of the 1st petitioner alleging that the 2nd petitioner kidnapped the 1st petitioner with the help of his parents and relatives is incorrect and untrue as both of them are majors and they got married voluntarily on 07-04-2007. It is further stated that the efforts made to reconcile the matter before the District Legal Services Authority has also become futile, as the father of the 1st petitioner is not co-operating and on the other hand, the police are taking coercive steps to arrest the 2nd petitioner, his parents and relatives.

I am of the opinion that if both the petitioners got married voluntarily, the question of investigating further on the complaint made by the mother of the 1st petitioner does not arise. Further, both the petitioners are entitled to lead their marital life without any intervention by the parents of the 1st petitioner.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the petitioners to appear before the 3rd respondent-Circle Inspector of Police, II Town Police Station, Anantapur, within one (01) week from today. On their appearance, the 3rd respondent shall give necessary police protection for them and get their statements recorded by the concerned Magistrate and take immediate action depending upon the statements made by them before the concerned Magistrate. Till the statements of the petitioners are recorded by the concerned Magistrate, no coercive steps shall be taken to arrest any of the accused. If the statements made by the petitioners before the concerned Magistrate disclose that there was no kidnap of the 1st petitioner by the 2nd petitioner, but they got married voluntarily, the 3rd respondent shall file appropriate final report. There shall be no order as to costs.

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05-06-2007

Note:
Issue C.C. by today
(B/o)
Prv